

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Calvin Hammock
5106 Brown Street
Davenport, Iowa 52806

Plaintiff/ Petitioner

RECEIVED
DEC 18 2015
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

BRIEF RESISTING

DEFENDANT SPACE X MOTION

TO DISMISS

Pro se

vs.

NASA Headquarters
Charles Bolden Administrator
300 E. Street SW.
Washington D.C. 20024-3210

Department of Defense
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Space Exploration Technologies Space X
1 Rocket Road
Hawthorne, California 90250

Apple
1 Infinite Loop
Cupertino, California 95014

Blackberry (Curve) Corporation
6700 Koll Center Parkway #200
Pleasanton, California 94566

Virgin Mobile
Sprint Legal Department
6480 Sprint Parkway
Overland Park, KS 66251

Mediacom WiFi
One Mediacom Way
Mediacom Park, New York 10918

American Water Iowa
1025 Laurel Oak Road
Vorhees, NJ 08043

Any Yet un-Identified Entities,
Persons, Satellites, Govt.Agencies,
Govt. Technologies,Inter Agencies,
Fusion Center Participant Partners
Corporations, Companies, Software used
by and with State Actors and Temporary
State Actors

Defendant / Respondents

TABLE OF CONTENTS

TABLE OF CONTENTS	3
LEGAL STANDARD	4
SUMMARY.....	5, 6,
ARGUMENT.....	6, 7
DEFENDANT SPACE EXPLORATION TECHNOLOGIES IS TIME BARRED FROM FILING MOTION TO DISMISS BY JURISDICTITIONAL LOCAL RULE. PLAINTIFFS ALLEGATIONS AGAINST SPACE EXPLORATIONS TECHNOLOGIES AND DEFENDANTS ARE ADMITTED PER FEDERAL RULES OF CIVIL PROCEDURE.	
CONCLUSION.....	8
CERTIFICATE OF SERVICE.....	8

LEGAL STANDARD

FEDERAL RULES OF CIVIL PROCEDURE 12(a)(1)(A)(i)5, 6

FEDERAL RULE OF CIVIL PROCEDURE 8(6).....5, 6, 7

FEDERAL RULE OF CIVIL PROCEDURE 6(b)(2).).....7

JURISDICTIONAL LOCAL RULE OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN AND SOUTHERN DISTRICT OF IOWA
RULE 5.2 at l.1.5, 6, 7

BRIEF RESISTING DEFENDANT SPACE X

MOTION TO DISMISS

SUMMARY

Plaintiff filed a Federal Complaint against Space Exploration Technologies and other named Defendants as well as unknown defendants yet to be identified for assaulting and allowing Plaintiff to be assaulted through defendant products and services violating Plaintiffs constitutional rights, federal statutory laws on torture, assault and other civil rights statutes as stated in Plaintiffs complaint. Defendant Space X was served with complaint and summons on November 18, 2015 at 10:45 a.m. pacific time. Affidavit of Service was returned to the Clerk of the Court at the United States District Court for the Southern District of Iowa by Plaintiff. Defendant Space Exploration Technologies was required to file a response to Plaintiffs complaint within 21 days pursuant to Federal Rules of Civil Procedure 12 (a)(1)(A)(i). Defendant SPACE EXPLORATION TECHNOLOGIES did not do so. Space Exploration Technologies now files a Motion to Dismiss in the United States District Court of the Southern

District of Iowa on December 17, 2015. Local Jurisdictional Rules for THE UNITED STATES DISTRICT COURT FOR THE NORTHERN AND SOUTHERN DISTRICT OF IOWA local rule 5.2 l. 1. bars Space Explorations Motion to Dismiss and per FEDERAL RULES OF CIVIL PROCEDURE RULE 8(6) Plaintiffs allegations against Space Exploration Technologies and Defendants are admitted.

ARGUMENT

Per Local Rule in THE UNITED STATES DISTRICT COURT FOR THE NORTHERN AND SOUTHERN DISTRICT OF IOWA Local Rule 5.2 l 1. the Defendant Space X is time barred from filing a responsive pleading after the 21 days as mandated by FEDERAL RULES OF CIVIL PROCEDURE 12 (a) (1) (A) (i).

Plaintiff is not required to address the claims in Space Exploration Technologies Motion to Dismiss as it is time barred per Jurisdictional Local Rule and FEDERAL RULES OF CIVIL PROCEDURE.

FEDERAL RULES OF CIVIL PROCEDURE Rule 8

FRCP 8 (6) *EFFECT OF FAILING TO DENY.*

“An allegation other than one relating to the amount of damages is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required , an allegation is considered denied or avoided.”

According to LOCAL COURT RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN AND SOUTHERN DISTRICT OF IOWA Rule 5.2 at :

1. Technical Failures

1. Jurisdictional Filing Deadline. Some deadlines in the Federal Rules of Civil, Criminal , and Appellate Procedure are jurisdictional and cannot be extended. (*See, e.g.*, Fed. R. Civ. P 6 (b)(2).) It is the filer’s responsibility to ensure, by whatever means necessary, that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of the ECF system, will not excuse the filer from compliance with a jurisdictional deadline.

Defendant SPACE EXPLORATION TECHNOLOGIES Motion to dismiss is barred from being filed and the Federal Rules of Civil Procedure Fed. R. Civ. P. 8 (6) mandate that Plaintiffs allegations in complaint are admitted.

CONCLUSION

WHEREFORE Plaintiff moves this court to bar and or strike SPACE EXPLORATION TECHNOLOGIES Motion to dismiss according to the above cited Local Jurisdictional Rules of the District Court and so moves this court according to FEDERAL RULES OF CIVIL PROCEDURE RULE 8 (6) mandate that Plaintiffs allegations in complaint are admitted.

Date: December 18, 2015



CERTIFICATE OF SERVICE

I hereby certify that I am placing in the U.S. Mail by certified mail a copy of Plaintiffs RESPONSE TO SPACE X MOTIONS TO DISMISS to all Defendants and or Defendants attorneys today December 18, 2015 after filing with the Clerk of Court at THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA.



Subscribed and sworn on December 18, 2015

